







# CONVENTION ON MIGRATORY SPECIES

Distribution: General

UNEP/CMS/COP11/Doc.23.4.5  
7 August 2014

Original: English

11<sup>th</sup> MEETING OF THE CONFERENCE OF THE PARTIES

Quito, Ecuador, 4-9 November 2014

Agenda Item 23.4.5

## SUSTAINABLE BOAT-BASED WILDLIFE WATCHING TOURISM

### Summary

In order to realize the potential benefits of wildlife watching tourism and to minimize risks, it is important that it is conducted sustainably and is well-managed.

This document contains the draft resolution on Sustainable Boat-based Wildlife Watching, which was endorsed by the Scientific Council for submission to COP11. It provides guidance to Parties on elements that national legislation or regulations should contain in order to protect migratory marine species that are affected by such operations.

The implementation of this resolution contributes to the attainment of the Strategic Plan 2006-2014 (Resolution 10.5), especially targets 1.4 and 2.6.

## SUSTAINABLE BOAT-BASED WILDLIFE WATCHING TOURISM

*(Prepared by the UNEP/CMS Secretariat)*

1. Tourism and recreation in the marine environment have increased significantly during the last decades, with wildlife watching activities playing an important part in the global tourism industry. Wildlife watching tourism provides opportunities to encounter animals in their natural habitat and can make important contributions to conservation by raising awareness of the observed species. Additionally, it can create jobs for local communities, using animal populations in a non-consumptive way.
2. A number of migratory marine species are the subject of boat-based wildlife watching activities, including whales, dolphins, porpoises, dugongs, manatees, seals, sharks, rays and turtles as well as several species of migratory birds, such as albatrosses, petrels, gulls, terns, penguins and falcons.
3. CMS has been interested in this subject for a long time, and in 2006 published the brochure [Wildlife Watching and Tourism – a study on the benefits and risks of a fast-growing tourism activity and its impacts on species](#)<sup>1</sup>. Tourism is also a theme covered by several species instruments and action plans.
4. The above-mentioned study analysed economic and social benefits from wildlife watching, conservation benefits, but also outlined risks to wildlife, especially related to disturbance. The importance of planning, visitor management and zoning was clearly highlighted.
5. In order to realize the potential benefits of wildlife watching tourism and to minimize risks, it is important that it is conducted sustainably and meets these requirements<sup>2</sup>:
  - Long-term survival of populations and habitats
  - Minimal impact on behaviour of watched and associated species
  - Improvement to livelihoods of local people
  - Increased awareness of and support for conservation activities amongst all stakeholders
  - Plans for sustainable management of wildlife watching tourism, conservation and community development based on set limits of acceptable change and adaptive management
  - Ability to manage access to wildlife watching resources and to limit future development
  - Supportive legal and planning frameworks combined with commitment from national and local government
6. Already a challenge in a terrestrial setting, such management of marine tourism is faced with additional difficulties. It is clear that effective management requires comprehensive regulations and guidelines. While such guidelines exist for some species

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<sup>1</sup> UNEP/CMS (2006): Wildlife Watching and Tourism: A study on the benefits and risks of a fast growing tourism activity and its impacts on species. 68 pages. Available at [http://www.cms.int/sites/default/files/document/ScC14\\_Inf\\_08\\_Wildlife\\_Watching\\_E\\_0.pdf](http://www.cms.int/sites/default/files/document/ScC14_Inf_08_Wildlife_Watching_E_0.pdf)

<sup>2</sup> UNEP/CMS (2006): Wildlife Watching and Tourism, page 61

groups (especially cetaceans) and in some countries, repeated questions to the Secretariat relating to any guidance on the matter from the CMS Scientific Council and COP demonstrated that there are significant gaps.

7. The Council therefore considered a draft resolution on boat-based wildlife watching tourism, developed in consultation with international experts, which provides guidance to Parties on the elements national legislation or regulations should contain in order to protect migratory marine species that are affected by such operations.

8. The draft resolution was endorsed by the Scientific Council for submission to COP11, subject to the post-session commenting period. Three Parties and one observer organization provided comments, which have been incorporated.

**Action requested:**

The Conference of the Parties is invited to:

- Adopt the draft Resolution contained in the Annex.

**DRAFT RESOLUTION**

**SUSTAINABLE BOAT-BASED WILDLIFE WATCHING TOURISM**

*(Submitted by the Scientific Council)*

*Aware* that tourism is a growing market and that wildlife watching is an important market segment;

*Also aware* that wildlife watching activities in coastal and marine environments are growing fast, and that the management of boat-based wildlife watching presents additional challenges to those in the terrestrial environment;

*Noting* that commercial wildlife watching operations using boats in order to view a number of migratory species, including, but not limited to whales, dolphins, porpoises, dugongs, manatees, seals, sharks, rays, birds and turtles, are increasing;

*Emphasizing* that some marine species can be observed from land and that this may provide a low-impact alternative, or complement, to boat-based wildlife watching where it is feasible;

*Recognizing* that the revenues generated through wildlife watching can provide direct and indirect benefits to local communities, enhancing their economic and social status;

*Recognizing further* that when wildlife watching is managed carefully, the revenues generated can benefit the conservation of the target species and their ecosystem;

*Noting* that wildlife watching activities can lead to positive changes in attitudes towards nature conservation;

*Conscious* that the sustainability of wildlife watching operations depends upon the careful maintenance of the resources that ultimately generate the income, namely the target species and their habitats;

*Conscious also* that disturbance caused by excessive exposure to wildlife watching boats may lead to changes in the target species' behaviour and as a result, to negative consequences, such as emigration, reduced reproduction or reductions of the population;

*Appreciating* the extensive work that has been undertaken in other international fora with respect to whale watching activities, in particular the Agreement on the Conservation of Cetaceans in the Mediterranean and Black Seas (ACCOBAMS), the International Whaling Commission (IWC), the Pacific Regional Environment Programme (SPREP) and the UNEP Caribbean Environment Programme (UNEP/CEP); and

*Acknowledging* that a number of governments have already enacted progressive national regulations or guidelines in order to ensure the sustainability of commercial boat-based wildlife watching;

*The Conference of the Parties to the  
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Urges* Parties, in whose areas of jurisdiction commercial operations involving boat-based wildlife watching take place, to adopt appropriate measures, such as national guidelines, national legislation, binding regulations or other regulatory tools, to promote ecologically sustainable wildlife watching;
2. *Recommends* that Parties ensure that such measures take into account the relevant provisions outlined in the Annex, as appropriate and depending on the target species;
3. *Recommends further* that, insofar as they are applicable, these measures also cover opportunistic wildlife watching during other commercial and private boat-based activities;
4. *Strongly encourages* Parties to ensure that the measures take into account the size and status of any wildlife watching programme and the specific needs of all affected species;
5. *Also strongly encourages* Parties to review these measures periodically to ensure any impacts detected through research and monitoring of the populations are taken into account as necessary;
6. *Requests* Parties that have adopted measures for boat-based wildlife watching activities to provide the Secretariat with copies of the relevant documents;
7. *Encourages* Parties to ACCOBAMS, the IWC, SPREP and UNEP/CEP to implement fully the guidelines and principles already adopted or developed in these fora; and
8. *Requests* the Scientific Council, subject to availability of resources, to conduct periodic reviews of the state of knowledge of the impacts of boat-based wildlife watching activities on migratory species and to recommend refined and adjusted measures or guidelines as appropriate.

## Annex to Resolution

### Recommended Elements for National Guidelines, Legislation, Regulations or Other Regulatory Tools for Boat-based Wildlife Watching

NB: It is not expected that all of the following elements would be appropriate in all instances. Depending on the taxa targeted, different elements may be more appropriate for adoption. Parties should choose those most appropriate to the situation.

#### I. Licensing/Permits

- a) [Where controls on the activities of boat-based wildlife watching operators are deemed necessary to mitigate against impacts, consideration should be given to requiring wildlife watching operators to obtain a permit.] [It is strongly recommended that all boat-based wildlife watching operators are licensed.].
- b) Where threatened species are targeted, boat-based wildlife watching activities should only be permitted after the conduct of thorough assessments of the status of the target populations concerned (numbers, distribution and other characteristics of the target population/s in an area) as well as potential impacts of the boat-based wildlife watching activities on the behaviour and habitats of the target wildlife.
- c) The guidelines and/or permits should outline the scope and level of activities and include specific conditions to mitigate against impacts upon the target species and its habitat, as well as monitoring and reporting requirements for the operator.
- d) Training for boat-based wildlife watching operators should be considered to inform them about the biology and behaviour of the species, effective regulations, management of risks to humans and animals, reduction of disturbance, involvement in scientific research, any known cultural value of the species to local communities, education of their clients, accreditation requirements and procedures, and so forth.
- e) Compliance with conditions for boat-based wildlife watching should be monitored and assessed at appropriate intervals and where non-compliance or the risk of non-compliance is identified appropriate measures should be undertaken, including increasing educational efforts.
- f) Prosecution action should be considered when investigations conducted through due process reveal serious and/or repetitive breaches of conditions.
- g) A 'warning system' should be available for compliance officers to apply under special circumstances. All 'warning systems' should include provision to record any warnings issued.

#### II. Level of Activity

- a) Seasonal and/or geographical exclusion zones of particular importance to the species may be identified and established, if appropriate.
- b) The characteristics of a vessel involved in wildlife watching activities should not have potential to impact on the target wildlife (e.g. through its inability to manoeuvre appropriately when in close proximity to the wildlife) or impact on the experience of those on board the large vessel or the experience of other participating observers on other boats also in close proximity to the wildlife.
- c) Where necessary, the number of vessels in proximity of the target species at any given time should be limited to reduce the risk of impacting on the wildlife.
- d) The duration of encounter for each vessel should also be limited.

- e) The number of licensed operators and boats within one geographical location should be limited if risk to the welfare of the wildlife and/or the visitor experience is considered too great.
- f) Where considered necessary, operators should be required (through self-regulation or through permit conditions where these apply) to coordinate their activities so that target species are not continuously disturbed throughout the day.

### **III. Method of Approach**

- a) A minimum distance to be maintained for intentional approaches should be defined as appropriate for the species, based on best available scientific advice.
- b) For cetaceans, animals that are accompanied by juveniles and calves and animals that are of special interest, such as juveniles and calves or albinos, should be afforded special protection, if needed.
- c) When approaching, staying with and retreating from animals, vessels should maintain a constant and predictable direction at a low and steady speed.
- d) Vessels should not pursue animals that are displaying behaviours consistent with a reluctance to participate in the interaction.
- e) Vessels should take care not to impede behaviour such as surfacing by anticipating positions and not stationing the vessel very close to that location.

### **IV. Interaction**

- a) Disturbing, chasing, harassing or herding animals should be prohibited.
- b) Operators' behaviours designed to provoke interactions, such as feeding, should always be prohibited for cetaceans, and for other species this should be the case unless there is good scientific evidence that the behaviour will not have negative consequences.
- c) [For seabirds, the practice of 'chumming' or providing food to attract birds to a vessel shall be prohibited.]
- d) Disturbance of biologically important behaviours, in particular resting and feeding activities, should be minimized.
- e) Acoustic or visual disturbance (e.g. unnecessary lighting) should be avoided.
- f) Operators' behaviours that negatively impact on habitats, such as waste disposal or anchoring boats in coral reefs, should be avoided.
- g) Swim-with programmes should be strictly regulated and monitored to avoid risks to both animal and wildlife watcher, and where not already established the benefits and risks of such programmes should be carefully considered before their potential establishment.